

Adopted	Rejected
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COMMITTEE REPORT

YES:	6
NO:	5

MR. SPEAKER:

*Your Committee on Insurance, to which was referred House Bill 1084, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1 Page 2, line 1, delete "." and insert "**or the covered individual's**
2 **representative. However, express written consent is not required**
3 **under this subsection if the covered individual is in a situation in**
4 **which:**
5 **(1) a threat to the covered individual's life or health exists;**
6 **(2) care or treatment is required to alleviate the threat;**
7 **(3) the covered individual is unable to provide express written**
8 **consent; and**
9 **(4) the covered individual's representative is unavailable.**
10 SECTION 2. IC 16-39-5-1 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. **(a)** This article does
12 not prohibit a provider from obtaining a patient's health records from
13 another provider without the patient's consent if the health records are
14 needed to provide health care services to the patient.

(b) A provider shall not cause a patient's health records to be sent outside the United States without the express written consent of the patient or the patient's representative. However, express written consent is not required under this subsection if the patient is in a situation in which:

- (1) a threat to the patient's life or health exists;
- (2) care or treatment is required to alleviate the threat;
- (3) the patient is unable to provide express written consent;
- and
- (4) the patient's representative is unavailable."

Page 2, line 18, delete "." and insert "or the insured's representative. However, express written consent is not required under this subsection if the insured is in a situation in which:

- (1) a threat to the insured's life or health exists;
- (2) care or treatment is required to alleviate the threat;
- (3) the insured is unable to provide express written consent;
- and
- (4) the insured's representative is unavailable."

Page 2, line 28, delete "." and insert "or the enrollee's representative. However, express written consent is not required under this subsection if the enrollee is in a situation in which:

- (1) a threat to the enrollee's life or health exists;
- (2) care or treatment is required to alleviate the threat;
- (3) the enrollee is unable to provide express written consent;
- and
- (4) the enrollee's representative is unavailable."

Renumber all SECTIONS consecutively.
(Reference is to HB 1084 as introduced.)

and when so amended that said bill do pass.

Representative Fry